

AN  
ACCOUNT  
OF THE  
PROCEEDINGS  
ON THE  
TRYAL  
OF

Mr. JOHN TUTCHIN,

At the *Guild-Hall* of the City of London, on  
the 4th Day of November, 1704.

For several Pamphlets, Entituled, The

OBSERVATOR.

7. Novemb.

**M**R. John Tutchin, for Pamphlets, Entituled, *The OBSERVATOR*, being a Dialogue between Countryman and Observer; having been for some Time continued upon Ball, and pleaded *Not Guilty* to an Information or Indictment exhibited against him, he had Notice to prepare for his Tryal on the 4th of November, 1704. and on that Day the Tryal commenced at the *Guild-Hall* of the City of London, where the Jury were Impanelled and Sworn to Try the Issue between the Queen and Defendant. Upon which the Information was Read, being grounded on certain Paragraphs, out of several Observators, Reflecting on the Administration of the Government, Proceedings in Justice, the Management of the Navy, the Commanders and Officers, with other Reflections at large. The Council for the Queen opened the Nature of the Offence, setting forth the Danger and ill Consequences that might attend, if such Things were suffered in a Government: And though Mr. Tutchin, the Defendant, had been warned and admonished not to meddle in such Matters, yet he had persisted to do it in Contempt of the Government, &c. The Observators being produced, and Mr. Howe, who printed them, sworn, he owned the printing of them, and knew they were the same he had delivered by a private Mark he had set on them; that the Manuscripts they were printed from were delivered to him by Mr. Tutchin, or his Order, who had made an Agreement with him to write such a Paper for him. That he had paid sometimes Ten Shillings, and sometimes Half a Guinea, for each Manuscript, from which the Print was composed. That he had paid him for all he had ever done of those Papers for him; and that the Defendant had owned them to him. That he believed it was his Hand; but did not see him write those

those Manuscript Papers, from whence the Print was taken, and when he scrupled some Things as dangerous, the Defendant allowed him to discover him to be the Author, if he should be called in Question for them, and more to the like Purpose.

Upon this the Council, for the Defendant Interrogating the Witness, demanded whether or no the Manuscripts had not been altered after Delivery, and by such an Alteration the Sense or Meaning of the Author perverted or changed, or to the like Purpose? To which Mr. *Hove* answered, He had sometimes struck out some Things he thought there might be Danger in, and that with the Author's own Consent, but did not alter his Sense or Meaning; and sometimes being in Company with him, if he had a Pen in his Hand, he would desire him to do it; and for small Alterations as *The and And*, or the like, he told him, Any Printer was a Blockhead that could not mend such Faults. But whether any Alterations were made in those Papers, whereby the Defendant stood charged, this Deponent could not be certain, not having the Manuscripts, as not taking Care to keep any till such time as he was called in Question. And it being demanded of him, Where those Manuscripts were written? He could not be positive, only that he received them ready written from Mr. *Tutchin*, or by his Order.

After this, and much more to the like Purpose, a Volume of *Observators* was produced in Court, to which Mr. *Tutchin*, as appeared by this Evidence, had affixed a Preface and Index, and put his Name to the Preface. Also some Manuscripts were produced, which this Evidence verily believed to be his Hand-writing, having received them as he had done many others. So that being compared with some printed Papers, they were found to agree. And the Deponent further declared, That when he told Mr. *Tutchin* he apprehended Danger in something he put in, and that he was unwilling to engage in them, he seemed displeased, and told him, If he would not, he would get another Man to do them, or to the like Purpose. And being ask'd where they were printed, he answer'd, Some of the Papers were printed in *Fenchurch-Street*, and others in *Talbot-Court in Grace-church-Street* (meaning the *Observators*) giving an Account of the whole Number that had been printed in all, and that he had given Mr. *Tutchin* Ten Shillings for the Preface and Index, (which were produced in Court, with a Volume bound up) and that then he had owned them to be his doing, &c.

The Evidence having been thus far, though more at large to prove the Defendant the Author of those Papers laid to his Charge, the Information being for Writing, Composing, and Publishing, and Laid in *London*; the Two latter appearing, some Difficulty was started by his Council. As to the first, (because according to the Evidence he had not been seen to write them, though they had been produced in *London* written) whether they might not be written in *Middlesex*, or some other County? But that being argued, it was endeavoured on the Part of the Defendant by his Council to make those Papers no Libel, so they were mentioned to be, because they reflected upon no particular Person, or at least mentioned not any; but they notwithstanding were shewed the contrary; and after a long arguing on both Sides, the Charge was given to the Jury; who thereupon going out, after they had consider'd the Matter given in Evidence for some Time, they returned into Court, and gave their Verdict. That they found the Defendant was guilty of Composing and Publishing the said Libel.

LONDON: Printed in the Year 1704.